

EXHIBIT 2



RE: 1:24-cv-01778 -- Notice of hearing

From Brent Ferguson <bferguson@campaignlegalcenter.org>

Date Mon 10/14/2024 10:52 PM

To Polio, Dennis W. <DPolio@oag.state.va.us>; Lucas Della Ventura <ldellaventura@campaignlegalcenter.org>

Cc Murphy, Andrew P. <AMurphy@oag.state.va.us>; Sanford, Thomas J. <TSanford@oag.state.va.us>;
orion.danjuma@protectdemocracy.org <orion.danjuma@protectdemocracy.org>; Ryan Snow
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5 attachments (560 KB)

019.pdf; 020.pdf; 021.pdf; 017.pdf; 018.pdf;

Counsel,

Thank you for taking the time to meet and confer with us earlier today. Plaintiffs would be willing to narrow the pending motion for expedited discovery (Dkt. 4) if Defendants produce:

- (1) The list of 6,303 registered voters referred to in E.O. 35 as being subjected to the citizenship verification process between January 2022 and July 2024;
- (2) The registered voters ELECT has identified and subjected to the Purge Program since the announcement of E.O. 35;
- (3) Voter registration applicants denied registration on the basis of alleged noncitizenship since instituting the citizenship verification program;
- (4) the Virginia voter file snapshot for August 7, 2024, and a current Virginia voter file snapshot;
- (5) memoranda, policies, reports, data, summaries, and correspondence since July 1, 2024, discussing the creation and implementation of E.O. 35 (with the exception of communications from the AG).

For us to narrow our motion for expedited discovery, we request the production take place on the following schedule:

- The spreadsheets responsive to Requests Nos. 1, 2, and 4 must be produced by October 17, 2024;
- The spreadsheet responsive to Request No. 3 must be produced by October 18 with respect to individuals removed since January 1, 2020; spreadsheets relating to additional removed individuals may be produced on a rolling basis; and
- Documents responsive to Request No. 5 must be produced on a rolling basis, with the first production of documents occurring by October 21, 2020.

If you agree to that, we're willing to withdraw requests (8) and (9) of the discovery motion, and the requested deposition of the Attorney General.

Plaintiffs would retain the right to seek additional documents following a Rule 26(f) conference as well as through the normal VFOIA and the NVRA process outside of this litigation.

Today you also mentioned your belief that no Defendants other than Commissioner Beals have been served. I've attached the proofs of service for Defendants Merricks, Weinstein, Dance, O'Bannon, and Alvis-Long, all entered on the docket yesterday.
Brent
